

The Examiner has not established that examining all claims as filed would represent a serious burden. There are two requirements for a proper restriction / election requirement: the inventions must be independent or distinct as claimed, and there must be a serious burden on the Examiner. See MPEP §803. Applicants submit that the Examiner has not addressed the latter requirement, and therefore has not established *prima facie* that examining all claims as filed represents a serious burden. Applicants therefore submit that the election requirement cannot be sustained, and request that the election requirement be withdrawn on this basis alone.

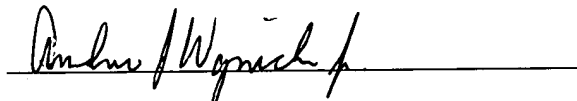
Claim 1 is generic to aspects of several species, represented in claims 2 through 10, which depend from claim 1. Fig. 2A illustrates the cooling apparatus of Fig. 2B (claim 1), with the addition of a cooling fluid. Fig. 2A also illustrates the apparatus of Fig. 2B attached to an electronic module. Dependent claims 2 through 5 address an aspect of Fig. 2B, namely cooling fluids. Fig. 3 illustrates a number of performance enhancements that may be added to the embodiment illustrated in Fig. 2B: rounded boiling chamber edges, extended heat transfer surfaces, vapor deflectors, and a divergent boiling chamber. These features are recited in dependent claims 6 through 9. Finally, Fig. 7 illustrates a condenser having pitched tubes, as recited in dependent claim 10. While Fig. 7 illustrates a pitched-tube condenser used with an evaporator per the embodiment of Fig. 6, a pitched-tube condenser may be used with any evaporator embodiment of the present invention. See, for example, paragraph 54 of Applicants' specification as filed, discussing the use of a pitched-tube condenser with an evaporator per the embodiments illustrated in Figs. 2, as well as claim 10 as filed. Since each of the above aspects are recited in claims depending from claim 1, each dependent claim necessarily including all recitations of claim 1, claim 1 is therefore generic to the aspects of other species claimed in dependent claims 2 through 10. See MPEP §806.04(d). Applicants therefore respectfully traverse the election requirement, to the extent that claim 1 is generic to aspects of other species (cooling fluid of Fig. 2A, Fig. 3 in its entirety, and pitched-tube condenser of Fig. 7), and request that the election requirement be withdrawn.

In conclusion, Applicants respectfully traverse the election requirement, on the basis that the Examiner has not established that examining all claims as filed represents a serious burden.

Applicants further traverse the election requirement, to the extent that aspects of species other than the species of Fig. 2B are claimed in dependent claims 2 through 10 which depend from generic claim 1. Finally, in order to provide a complete response, Applicants provisionally elect the species of Fig. 2B, on which claim 1 is readable.

If there are any matters which the Examiner feels could be expeditiously considered and which would forward the prosecution of the instant application, Applicants' attorney wishes to indicate his willingness to engage in any telephonic communication in furtherance of this objective. Accordingly, Applicants' attorney may be reached for this purpose at the numbers provided below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrew J. Wojnicki, Jr.", is written over a horizontal line.

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